

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SONTERRA CAPITAL MASTER FUND LTD.,  
FRONTPOINT EUROPEAN FUND, L.P.,  
FRONTPOINT FINANCIAL SERVICES FUND,  
L.P., FRONTPOINT HEALTHCARE FLAGSHIP  
ENHANCED FUND, L.P., FRONTPOINT  
HEALTHCARE FLAGSHIP FUND, L.P.,  
FRONTPOINT HEALTHCARE HORIZONS FUND,  
L.P., FRONTPOINT FINANCIAL HORIZONS  
FUND, L.P., FRONTPOINT UTILITY AND  
ENERGY FUND L.P., HUNTER GLOBAL  
INVESTORS FUND I, L.P., HUNTER GLOBAL  
INVESTORS OFFSHORE FUND LTD., HUNTER  
GLOBAL INVESTORS SRI FUND LTD., HG  
HOLDINGS LTD., HG HOLDINGS II LTD.,  
FRANK DIVITTO, RICHARD DENNIS, and the  
CALIFORNIA STATE TEACHERS' RETIREMENT  
SYSTEM on behalf of themselves and all others  
similarly situated,

Plaintiffs,

- against -

CREDIT SUISSE GROUP AG, CREDIT SUISSE AG,  
JPMORGAN CHASE & CO., THE ROYAL BANK OF  
SCOTLAND PLC, UBS AG, DEUTSCHE BANK AG,  
DB GROUP SERVICES UK LIMITED, TP ICAP PLC,  
TULLETT PREBON AMERICAS CORP., TULLETT  
PREBON (USA) INC., TULLETT PREBON  
FINANCIAL SERVICES LLC, TULLETT PREBON  
(EUROPE) LIMITED, COSMOREX AG, ICAP  
EUROPE LIMITED, ICAP SECURITIES USA LLC,  
NEX GROUP PLC, INTERCAPITAL CAPITAL  
MARKETS LLC, GOTTEX BROKERS SA, VELCOR  
SA AND JOHN DOE NOS. 1-50,

Defendants.

Docket No. 15-cv-00871 (SHS)

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF BROKER DEFENDANTS' MOTION TO DISMISS THE  
SECOND AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendants TP ICAP plc,  
Tullett Prebon Americas Corp., Tullett Prebon (USA) Inc., Tullett Prebon Financial Services  
LLC, Tullett Prebon (Europe) Limited, Cosmorex AG, ICAP Europe Limited, ICAP Securities

USA LLC, NEX Group plc, and Intercapital Capital Markets LLC, Velcor SA, and Gottex Brokers SA (collectively, the “Broker Defendants”), in the above-referenced matter, will move this Court, before the Honorable Sidney H. Stein, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by this Court, for an order pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice the Second Amended Class Action Complaint (the “Second Amended Complaint”) in the above-captioned action.

The grounds for this motion are that the Second Amended Complaint should be dismissed for lack of personal jurisdiction and improper venue as to NEX Group plc, TP ICAP plc, Tullett Prebon (Europe) Limited, Cosmorex AG, ICAP Europe Limited, Gottex Brokers SA, and Velcor SA, and because, as to all Broker Defendants, it fails to state a claim upon which relief can be granted and the Court lacks subject matter jurisdiction over the claims asserted. The specific grounds are set forth in: (1) the Memorandum of Law in Support of the Broker Defendants’ Motion to Dismiss the Second Amended Complaint for Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, Lack of Venue, and Failure to State a Claim, dated April 6, 2018, and accompanying declarations and exhibits; and (2) the memoranda of law and supporting evidentiary submissions submitted by the Bank Defendants<sup>1</sup> in support of their motions to dismiss the Second Amended Complaint (*see* Dkt. No. 223-228). Pursuant to the Court’s Order on Motion for Leave to File Excess Pages dated March 26, 2018 (Dkt. No. 252), the Broker Defendants incorporate by reference and rely upon the arguments and evidentiary submissions advanced in support of the Bank Defendants’ motions to dismiss the Second

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<sup>1</sup> The Bank Defendants are Credit Suisse Group AG and Credit Suisse AG, The Royal Bank of Scotland PLC, UBS AG, Deutsche Bank AG, and DB Group Services UK Limited.

Amended Complaint, including all memoranda of law filed or that may be filed and supporting declarations and exhibits.

Pursuant to Fed. R. Civ. P. 44.1, the Broker Defendants hereby provide written notice of an issue of foreign law. By incorporating the Bank Defendants' arguments and evidentiary submissions advanced in support of the Bank Defendants' motions to dismiss the Second Amended Complaint, the Broker Defendants intend to raise issues of Cayman Islands law in connection with the question of Plaintiffs' capacity to sue and lack of Article III standing.

Dated: April 6, 2018  
New York, New York

**RICHARDS KIBBE & ORBE LLP**

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